

REMARKS

As a preliminary matter, claim 11 is objected to based on the reasons set forth on page 2 of the Office Action. Applicant amends claim 11, as indicated herein, and believes that the Examiner's objection to claim 11 is obviated.

Claims 1-17 are all the claims pending in the present application. Applicant thanks the Examiner for indicating that claims 2-8 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 9, 11, and 17 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Chaum et al. (U.S. Patent No. 5,485,520). Claims 10 and 12-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chaum.

§ 102(b) Rejections (Chaum) - Claims 1, 9, 11, and 17

Claims 1, 9, 11, and 17 are rejected based on the reasons set forth on pages 3-6 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to independent claim 1, Applicant submits that Chaum does not disclose or suggest at least, "a box-like housing for housing therein said antenna, said radio module and said data processing unit in a unitary structure," as recited in claim 1. It appears that the Examiner is citing the in-vehicle unit (IVU) 34 of Chaum as allegedly satisfying the claimed box-like housing. However, the IVU is also cited by the Examiner as allegedly corresponding to the claimed dedicated short-range communication on-vehicle apparatus. The claimed dedicated short-range communication on-vehicle apparatus comprises a box-like housing. Thus, nowhere does Chaum disclose an IVU that comprises a box-like housing for housing therein the antenna, the radio module and the data processing unit in a unitary structure.

Further, with respect to claim 1, Applicant submits that Chaum does not disclose or suggest at least, “wherein said box-like housing is adapted to be fixedly attached onto a windshield of the motor vehicle with a mounting plate being disposed on the radiation side of said antenna by means of an adhesive member,” as recited in claim 1. The Examiner cites Fig. 1, col. 12, lines 8-24 of Chaum as allegedly satisfying this particular feature. Applicant acknowledges that Chaum does disclose an IVU being attached on a windshield of a vehicle, however there is no teaching or suggestion of a mounting plate that is disposed on a radiation side of the antenna by means of an adhesive member. Applicant is not quite sure what the Examiner believes corresponds to the claimed mounting plate.

Yet further, with respect to claim 1, Chaum does not appear to disclose or suggest a radio wave aperture portion of the mounting plate that is made of a radio wave transmissible material. The Examiner alleges that this particular feature is inherent, however, there is no teaching or suggestion of this particular feature. Moreover, the Examiner appears to be utilizing impermissible hindsight reasoning in developing this conclusion.

Applicant submits that dependent claims 9, 11, and 17 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

Further, with respect to claim 9, the Examiner alleges that the features of claim 9 are inherent, however there is no teaching or suggestion of the specific features set forth in claim 9.

Further, with respect to claims 11 and 17, the Examiner summarily states that the features of these claims are satisfied, however the Examiner does not identify portions of Chaum that allegedly satisfy the features of claims 11 and 17, and according to Applicant’s own independent review of Chaum, this reference does not satisfy the particular features of claims 11 and 17.

At least based on the foregoing, Applicant submits that Chaum does not anticipate claims 1, 9, 11, and 17.

§ 103(a) Rejections (Chaum) - Claims 10 and 12-16

Claims 10 and 12-16 are rejected based on the reasons set forth on pages 6-10 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

First, with respect to claims 10 and 12-16, Applicant submits that these claims are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

Further, with respect to claim 12, Applicant submits that Chaum does not disclose or suggest at least, “a label carrying predetermined information and designed to be stuck on said mounting plate,” and “a seal stuck on said mounting plate so as to cover said label,” as recited in claim 12. The Examiner takes Official Notice that the above quoted features are satisfied by Chaum. However, as indicated above, nowhere does Chaum disclose or suggest a mounting plate, so clearly Chaum does not disclose or suggest a label carrying predetermined information that is designed to be stuck on a mounting plate.

Further, Applicant submits that the Examiner has made extremely liberal use of the concept of Official Notice. As the Examiner is no doubt aware, it is impermissible to rely upon official notice at a point of novelty in the claimed invention. Applicant submit that claims 14 and 15 are patentable at least based on similar reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

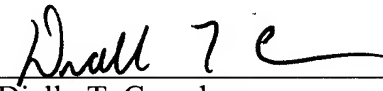
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